

United States Bankruptcy Court
Eastern District of New York

In re:
Eric H. Richmond
Debtor

Case No. 14-41678-cec
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0207-1

User: mmendieta
Form ID: pdf000

Page 1 of 1
Total Noticed: 2

Date Rcvd: Jul 21, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 23, 2017.

db +Eric H. Richmond, 227 4th Avenue, Brooklyn, NY 11215-1005
+Eric Richmond, 2107 Regent Place, Brooklyn NY 11226-3919

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 23, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 21, 2017 at the address(es) listed below:

Glenn P Warmuth on behalf of Interested Party P.B. #7 LLC gpw@stim-warmuth.com,
pjw@stim-warmuth.com
Jordan S Katz on behalf of Creditor Select Portfolio Servicing, Inc. as servicer for U.S.
Bank National Association, as trustee, on behalf of the holders of the Asset Backed Securities
Corporation Home Equity Loan Trust, Series NC 2005- edny@aldridgepite.com
Michael J. Macco ecf@maccosternlaw.com, jzarrilli@maccosternlaw.com
Michael J. Macco on behalf of Trustee Michael J. Macco ecf@maccosternlaw.com,
jzarrilli@maccosternlaw.com
Office of the United States Trustee USTPRegion02.BR.ECF@usdoj.gov

TOTAL: 5

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

Eric H. Richmond,

Case No. 14-41678-cec

Debtor(s).

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**ORDER (I) DIRECTING THE DEBTOR TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED FOR FAILURE TO COMPLY WITH ORDER DATED MAY 22,
2017 DIRECTING DEBTOR TO FILE AMENDED PLAN AND CURE POST PETITION
MORTGAGE ARREARS AND (II) ESTABLISHING DEADLINE FOR FILING
OPPOSITION TO LIFT STAY MOTION**

WHEREAS, on April 7, 2014, Eric H. Richmond (the “Debtor”) filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code (ECF No. 1); and

WHEREAS, on August 25, 2014, Select Portfolio Servicing, Inc. (the “Secured Creditor”) filed an amended proof of claim in the amount of \$236,735.29, which shows pre-petition arrears in the amount of \$64,078.94 (the “Secured Claim”), secured by real property located at 66 Back Meadow Road, Nobleboro, ME (the “Maine Property”) (Proof of Claim No. 5-2); and

WHEREAS, on November 13, 2014, the Debtor filed an objection to the Secured Claim pursuant to Bankruptcy Code § 502(b) and Bankruptcy Rule 3007 (the “Motion Objecting to Secured Claim”) (ECF No. 146); and

WHEREAS, on July 21, 2015, a decision and an order were issued denying the Motion Objecting to Secured Claim (the “Decision and Order”) (ECF Nos. 269 and 266); and

WHEREAS, all motions to reconsider the Decision and Order and all appeals from the Decision and Order have been denied; and

WHEREAS, pursuant to Bankruptcy Code § 1322(b)(5), the chapter 13 plan is required to provide for the payment of all pre-petition arrears on the Secured Claim, and for the maintenance of post-petition payments due to the Secured Creditor while the case is pending; and

WHEREAS, on May 22, 2017, the Court issued an order (the “May 22, 2017 Order”) directing the Debtor (i) to file an amended chapter 13 plan on or before June 5, 2017, that pays the pre-petition arrears owed to the Secured Creditor in accordance with Bankruptcy Code § 1322(b)(5), together with applicable trustee’s commissions, in equal monthly payments over the remaining life of the chapter 13 plan, which may not exceed June 30, 2019; and (ii) to provide proof on or before June 15, 2017, that the post-petition mortgage payments owed to the

Secured Creditor have been paid in accordance with Bankruptcy Code § 1322(b)(5) (ECF No. 495); and

WHEREAS, the May 22, 2017 Order further provided that this chapter 13 case may be dismissed in the event the Debtor does not comply with the terms of that order; and

WHEREAS, on June 5, 2017, the Debtor filed an amended chapter 13 plan (the “Plan”) which does not provide for payment to holders of allowed secured claims (ECF No. 502); and

WHEREAS, the Debtor did not provide proof by June 15, 2017, that the post-petition mortgage payments owed to the Secured Creditor have been paid in accordance with Bankruptcy Code § 1322(b)(5); and

WHEREAS, on June 8, 2017, the Secured Creditor, as servicer for U.S. Bank National Association, as trustee, on behalf of the holders of the Asset Backed Securities Corporation Home Equity Loan Trust, Series NC 2005-HE8, Asset Backed Pass-Through Certificates, Series NC 2005-HE8, filed a motion for relief from the automatic stay pursuant to Bankruptcy Code § 362(d)(1) and (2) with respect to the Maine Property (the “Lift Stay Motion”) (ECF No. 504); and

WHEREAS, a hearing on the Lift Stay Motion was held on July 18, 2017, at which the Secured Creditor and the Debtor appeared;

NOW, THEREFORE, it is

ORDERED, that the Debtor shall appear on August 22, 2017 at 11:00 a.m. in Courtroom 3529 at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201 and show cause why this case should not be dismissed for the Debtor’s failure to comply with the May 22, 2017 Order and why confirmation of the Debtor’s plan should not be denied and the case dismissed under Bankruptcy Code § 1307(c)(1) and (5); and it is further

ORDERED, that the hearing on the Lift Stay Motion is adjourned to August 22, 2017 at 11:00 a.m.; and it is further

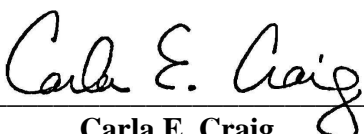
ORDERED, that on or before August 4, 2017, the Debtor shall file and serve any opposition to the Lift Stay Motion and any opposition to the dismissal of this case; and it is further

ORDERED, that on or before August 15, 2017, any reply to the Debtor’s opposition shall be filed and served; and it is further

ORDERED, that the Court will not consider any argument at the August 22, 2017 hearing that was not set forth in any opposition or reply papers.

**Dated: Brooklyn, New York
July 21, 2017**





Carla E. Craig
United States Bankruptcy Judge